

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREAT AMERICAN INSURANCE) Case No. 12-00833-SC
COMPANY, and GREAT AMERICAN)
INSURANCE COMPANY OF NEW YORK,) RE: ORDER TO SHOW CAUSE

Plaintiffs,

v.

MICHAEL CHANG, d/b/a SUNRISE
CLEANERS, INC., and ROXANNE
CHANG, d/b/a, SUNRISE CLEANERS,
INC.,

Defendants.

MICHAEL CHANG, d/b/a SUNRISE
CLEANERS, INC., and ROXANNE
CHANG, d/b/a, SUNRISE CLEANERS,
INC.,

Third-Party
Plaintiffs,

v.

FIREMAN'S FUND INSURANCE
COMPANY,

Third-Party
Defendant.

On April 11, 2013, the Court issued an Order to Show Cause why Defendants' counsel, Gregg S. Garrison and Herman I. Kalfen, should not be removed due to potential conflicts of interest. ECF No. 61. The Court noted that Garrison and Kalfen were named numerous times

1 in the pleadings and might be deposed as fact witnesses.

2 Defendants have filed a response to the Court's Order to Show
3 Cause, and Plaintiffs have filed a Reply. ECF Nos. 62, 63.

4 California Rule of Professional Conduct 5-210 provides that an
5 attorney "shall not act as an advocate before a jury which will
6 hear testimony from the [attorney] unless . . . [t]he [attorney]
7 has the informed, written consent of the client." This requirement
8 is now satisfied. In response to the Order to Show Cause,
9 Defendants have provided the Court with the declarations of
10 individual defendants Roxanne Chang and Michael Chang, stating that
11 they have been made aware of the potential conflicts and consent to
12 the continued representation of Garrison and Kalfen. ECF No. 62-2.

13 In their response to the Court's Order to Show Cause,
14 Defendants have also asked the Court to render judgment on a number
15 of substantive issues. Defendants' request is procedurally
16 improper. If Defendants wish to move for summary judgment, then
17 they should do so in accordance with the federal and local rules.

18 In sum, the Court is satisfied that the requirements of Rule
19 5-210 have been met. To the extent that Defendants' response to
20 the Order to Show Cause can be construed as a motion for summary
21 judgment, that motion is DENIED.

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23 IT IS SO ORDERED.

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25 Dated: May 8, 2013



26 UNITED STATES DISTRICT JUDGE
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